

ATXI has been unsuccessful in obtaining an easement from James and Connie Mason. The Masons own one parcel at issue located along the Kansas to Sugar Creek segment of the Project in Clark County, Illinois. The parcel is internally designated as A\_ILRP\_KS\_CL\_079\_ROW. As summarized on ATXI Exhibit 2.1, ATXI has contacted, or attempted to contact, the Masons or their counsel Mr. Smith on at least 133 occasions, including 53 emails, 4 letters, 36 in-person meetings, 16 phone calls, and 24 voicemails. Since February 17, 2015, the Masons have been represented by Mr. Craig Smith with regard to easement negotiations.

ATXI began attempts to contact the Masons in October 2013. ATXI presented its initial offer packet to Mr. Mason on November 21, 2013. On July 14, 2014, Mr. Mason stated he had given ATXI's offer to his attorney, but did not provide the attorney's name or contact information to the agent. The agent met with Mrs. Mason again on December 13, 2014 and went over ATXI's offer again. Mrs. Mason did not raise any issues or concerns at that time. On December 30<sup>th</sup>, Mr. Mason texted the agent apologizing for not answering the agent's calls and stating they prefer ATXI contact their attorney, Mr. Smith. Since that time ATXI has not engaged in substantive negotiations with the Masons.

ATXI received Mr. Smith's letter of representation dated February 17, 2015. When the agent followed up with Mr. Smith regarding the Mason property, he stated that he would not negotiate until the appeals process had concluded. Please see Section VI of my direct testimony (ATXI Exhibit 2.0) for a discussion of the negotiations with landowners represented by Mr. Smith. As discussed there, negotiations have not progressed since Mr. Smith was hired, and despite his commitment to provide ATXI with documentation supportive of additional

compensation and easement language changes, Mr. Smith has yet to provide any documentation, counteroffer or easement language edits.

In sum, ATXI is uncertain what issues the Masons may have with the easement agreement or with ATXI's compensation offer. As indicated above and in my direct testimony, neither the Masons nor Mr. Smith have provided ATXI with a counter-offer, easement language changes or pole relocation requests. Negotiations are at a standstill and a voluntary agreement in a time frame supportive of this line segment's in-service date is unlikely. ATXI therefore requests eminent domain authority over this parcel.

**Agent Checklist with Landowner**

1. Landowner contacted to set up initial appointment no sooner than 14 days after the 14 day letter was sent ☒
2. Initial appointment set for 11/21/2013 ☒
3. Activity Note entered regarding Initial Meeting, including specifics regarding landowner concerns, if any, and details of meeting ☒
4. Prepare and review Acquisition documents and maps ☒
5. Provide landowner with business card and show Ameren ID badge ☒
6. Ask the landowner they received the 14 day letter:
  - a. Ask if the landowner read 14 days letter
  - b. Does landowner have any questions regarding letter:

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7. Provide/explain the purpose of the project ☒
8. Discuss routing and how it affects landowner:
  - a. Provide Fact Sheet about the project
  - b. Provide landowner copies of:
    - i. Small scale map of the project
    - ii. Sketch and description of type of facilities/structures
    - iii. Approximate location of facilities
    - iv. Option for Easement including exhibit showing length and width of the easement area
    - v. Memorandum of Option Exhibit B☒
9. Make compensation offer, provide calculation sheet and explain basis of offer ☒
10. Discuss subordination of mortgage, if applicable ☐
11. Complete Construction Questionnaire, including name of tenant, if applicable ☐
12. Provide EMF brochure, if requested ☒
13. Enter initial offers and counter-offers if any, into CLS Viewer. Contact tenant, as appropriate; complete tenant consent form if applicable ☒
14. Agent Name (Print and Sign) C. KIBEL C. Kibel ☒

EXHIBIT "A"

A 1.506 ACRE TRACT OF LAND SITUATED IN THE EAST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 31, TOWNSHIP 12 NORTH, RANGE 10 WEST OF THE 2ND PRINCIPAL MERIDIAN, CLARK COUNTY, ILLINOIS AND BEING PART OF A TRACT OF LAND DESCRIBED IN DEED TO JAMES ALLEN MASON AND CONNIE SUE MASON, HUSBAND AND WIFE, RECORDED IN BOOK 276, PAGE 408 OF THE DEED RECORDS OF CLARK COUNTY, ILLINOIS (D.R.C.C.I.) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

**BEGINNING** AT AN IRON ROD WITH A CAP FOUND AT THE NORTHWEST CORNER OF SAID EAST 1/2, SAID POINT OF BEGINNING HAVING GRID COORDINATES OF N:1011073.70, E:1200363.04;

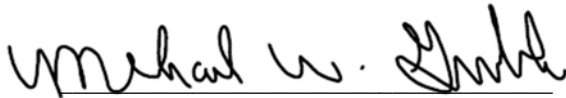
**THENCE** NORTH 89 DEGREES 26 MINUTES 46 SECONDS EAST, ALONG THE NORTH LINE OF SAID EAST 1/2, A DISTANCE OF 75.01 FEET TO A POINT FOR CORNER;

**THENCE** SOUTH 01 DEGREES 20 MINUTES 38 SECONDS EAST, LEAVING SAID NORTH LINE, A DISTANCE OF 874.77 FEET TO A POINT FOR CORNER IN THE COMMON LINE OF SAID MASON TRACT AND A TRACT OF LAND DESCRIBED IN DEED TO JAMES E. BOUCHER AND KIMI E. CLARK, RECORDED IN BOOK 263, PAGE 395, D.R.C.C.I.;

**THENCE** SOUTH 89 DEGREES 26 MINUTES 53 SECONDS WEST, ALONG SAID COMMON LINE, A DISTANCE OF 75.01 FEET TO A POINT FOR CORNER IN THE WEST LINE OF SAID EAST 1/2 AT THE WEST COMMON CORNER OF SAID MASON TRACT AND SAID BOUCHER TRACT, FROM WHICH A 1/2-INCH IRON ROD WITH A RED CAP STAMPED "PLS 2845" FOUND AT THE SOUTHWEST CORNER OF SAID SOUTHWEST 1/4 BEARS SOUTH 37 DEGREES 44 MINUTES 10 SECONDS WEST, A DISTANCE OF 2,253.11 FEET;

**THENCE** NORTH 01 DEGREES 20 MINUTES 38 SECONDS WEST, ALONG SAID WEST LINE, A DISTANCE OF 874.77 FEET TO THE **POINT OF BEGINNING** AND CONTAINING 65,608 SQUARE FEET OR 1.506 ACRES OF LAND, MORE OR LESS.

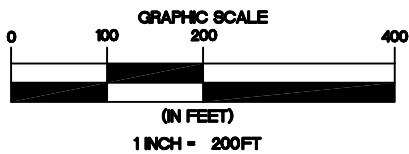
BEARING BASIS: ALL BEARINGS AND COORDINATES SHOWN HEREON ARE BASED ON THE ILLINOIS STATE PLANE COORDINATE SYSTEM, NAD 83(2011), EAST ZONE. ALL DISTANCES SHOWN HEREON ARE SURFACE DISTANCES.



MICHAEL W. GERBERICK  
PROFESSIONAL LAND SURVEYOR  
REGISTRATION NO. 035-002683  
STATE OF ILLINOIS PROFESSIONAL  
DESIGN FIRM LICENSE NO. 184.006475

DATE: 07/28/2015





# EXHIBIT "A"

ATXI Exhibit 2.3 Part GG  
Page 5 of 6

STEVEN D. MAYNARD  
BOOK 225, PAGE 293  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_075

NIS W. LOVSTAD AND  
BARBARA J. LOVSTAD,  
HUSBAND AND WIFE  
BOOK 270, PAGE 464  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_074

2000 N

P.O.B.  
GRID COORDINATES  
N:1011073.70  
E:1200363.04

HARVEY E. ARCHER  
BOOK 257, PAGE 386  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_076

BRENTON W. SMITLEY  
AND  
WENDI J. SMITLEY,  
HUSBAND AND WIFE  
BOOK 290, PAGE 572  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_077

SECTION 31  
TOWNSHIP 12N  
RANGE 10W

JOHN P. SPUDVILLE AND  
MELISSA J. SPUDVILLE,  
HUSBAND AND WIFE  
BOOK 268, PAGE 104  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_078

JAMES ALLEN MASON AND  
CONNIE SUE MASON,  
HUSBAND AND WIFE  
BOOK 276, PAGE 408  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_079

PROPOSED 75'  
WIDE EASEMENT  
1.506 ACRES  
(65,608 S.F.)

JAMES E. BOUCHER AND  
KIMI E. CLARK  
BOOK 263, PAGE 395  
D.R.C.C.I.  
A\_ILRP\_KS\_CL\_080

S37°44'10"W 2253.11'  
P.O.R. - 1/2" IRON ROD WITH A RED  
CAP STAMPED "PLS 2845" FOUND  
SW COR SW 1/4 SEC 31

## LINE TABLE

NUMBER	BEARING	DISTANCE
L1	N89°26'46"E	75.01'
L2	S01°20'38"E	874.77'
L3	S89°26'53"W	75.01'
L4	N01°20'38"W	874.77'

## LEGEND

D.R.C.C.I.

P.O.B.

P.O.R.



DEED RECORDS  
CLARK COUNTY, ILLINOIS

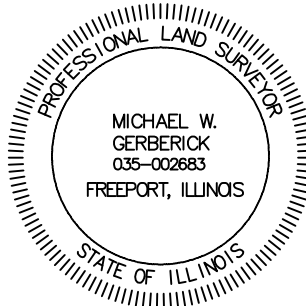
POINT OF BEGINNING  
POINT OF REFERENCE  
IRON ROD WITH A CAP FOUND  
CALCULATED POINT

SUBJECT PROPERTY LINE

PROPERTY LINE

PROPOSED EASEMENT CENTERLINE

PROPOSED EASEMENT



*Michael W. Gerberick*

MICHAEL W. GERBERICK  
PROFESSIONAL LAND SURVEYOR  
NO. 035-002683 - STATE OF ILLINOIS  
PROFESSIONAL DESIGN FIRM  
LICENSE NO. 184.006475 - STATE OF ILLINOIS

## NOTES:

1. THIS EXHIBIT DOES NOT REFLECT ANY UNDERGROUND UTILITIES, EASEMENT OF RECORD OR OTHER ENCUMBRANCES THAT MAY AFFECT THE SUBJECT TRACT.
2. REFERENCE IS MADE TO THE DESCRIPTION OF EVEN DATE ACCOMPANYING THIS SKETCH.

SHEET 02 OF 02

PROJECT: ILLINOIS RIVERS

JOB NUMBER: 32359

DATE: 07/28/2015

SCALE: 1"=200'

TRACT ID: A\_ILRP\_KS\_CL\_079

DRAWN BY: JDM



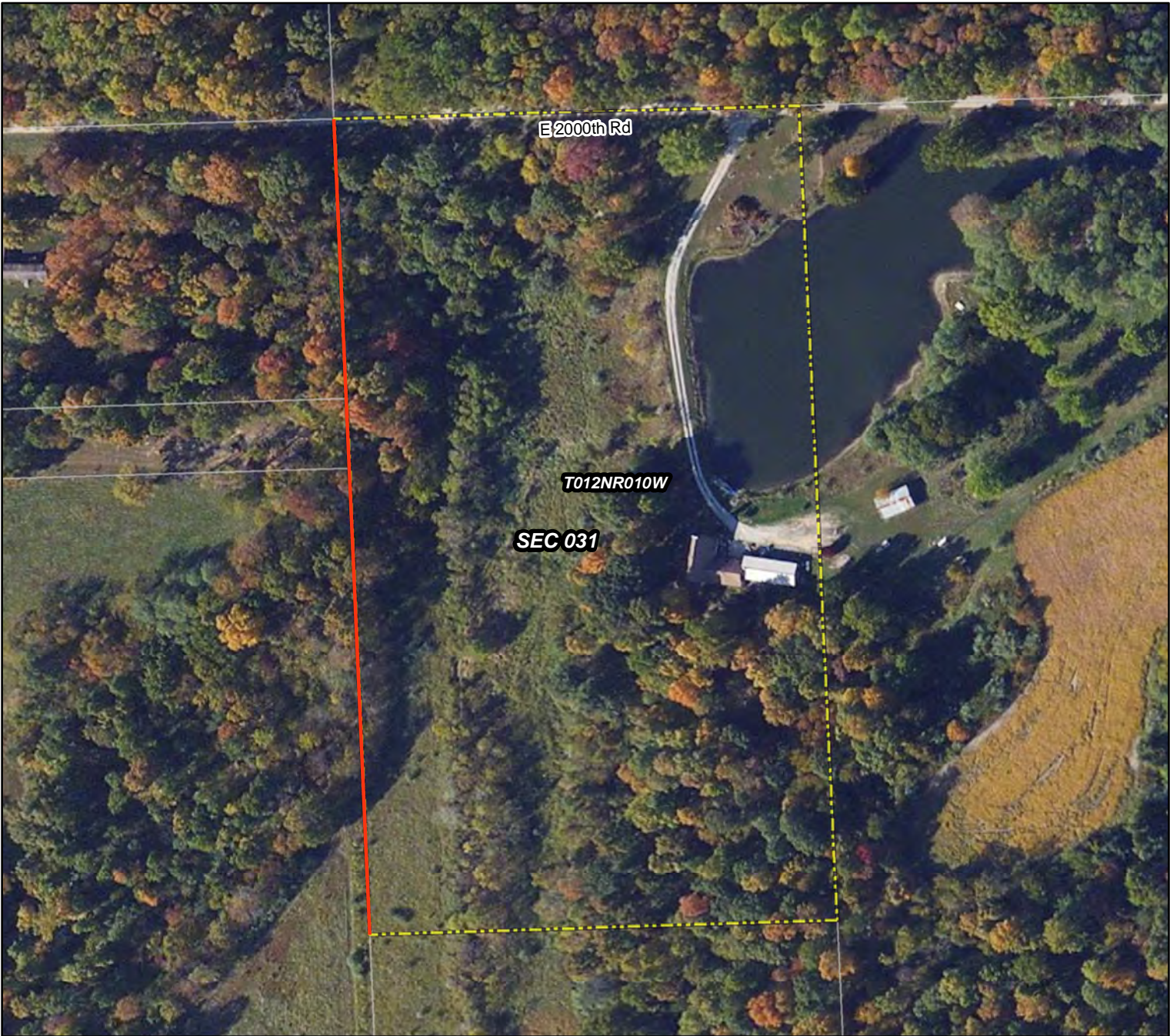
150' TRANSMISSION  
LINE EASEMENT  
SUGAR CREEK TO KANSAS  
SECTION 31, TOWNSHIP 12 NORTH, RANGE 10 WEST  
OF THE 2ND PRINCIPAL MERIDIAN  
CLARK COUNTY, ILLINOIS

FN: D\_1890

A\_ILRP\_KS\_CL\_079.DWG



Tax Id: 13-05-31-00-300-008

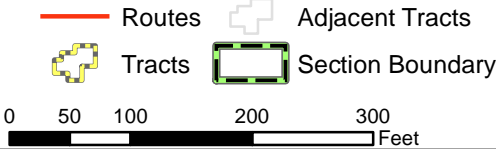


**Ameren - Illinois Rivers**



Contract Land Staff, LLC  
2245 Texas Drive, Suite 200  
Sugar Land, TX 77479

*For discussion purposes only. All measurements and distances are approximations and pend final survey and engineering.*



**James A. Mason**

Tract No.:A\_ILRP\_KS\_CL\_079

Date: 11/17/2015